

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:  
Quendall Terminals, a Joint Venture,  
composed of Altino Properties, Inc., a  
Washington Corporation, and J.H. Baxter  
& Co., a California Corporation, et al.

THIRD AMENDMENT TO  
AGREED ORDER  
NO. DE 92TC-N335

TO: Quendall Terminals c/o  
Georgia B. Baxter  
J.H. Baxter & Co.  
P.O. Box 5902  
San Mateo, CA 94402-0902

Alex Cugini  
Altino Properties, Inc.  
P.O. Box 359  
Renton, WA 98055

Agreed Order No. DE92TC-N335 (as twice previously amended) is hereby amended to include the following:

**Findings of Fact**

25. On December 26, 2001, Quendall Terminals received notice from the City of Renton that it does not intend to purchase the Quendall Terminals site.

26. In accord with Section (Work to be Performed), paragraph 8, Ecology and Quendall Terminals met to discuss the most appropriate manner in which to finish the work contemplated in the Agreed Order, as amended. This amendment memorializes those discussions.

**Work to be Performed**

9. Quendall Terminals will complete the following tasks within the corresponding timeline:

a) Submit to Ecology a Draft Risk Assessment and Feasibility Study Work Plan within 60 days after the close of the public comment period for this Agreed Order Amendment.

b) Submit to Ecology a Final Risk Assessment and Feasibility Study Work Plan within 30 days after resolution of any Ecology comments on the Draft Risk Assessment and Feasibility Study Work Plan or 15 days after the effective date of this Agreed Order Amendment, whichever is later.

c) Initiate Wet Season Mudline Well Sampling as a complement to the Dry Season Mudline and Sediment Porewater Sampling conducted in September, 2002. The wet season sampling shall occur during the January to March 2003 wet season.

d) Initiate Pilot Studies within 90 days from the receipt of final laboratory results from wet season mudline well sampling, or within 60 days of required permit approvals (as applicable), whichever is later.

e) Submit Draft Baseline Risk Assessment and Feasibility Study within 150 days following receipt of final laboratory results from all completed Pilot Studies.

f) Submit Final Baseline Risk Assessment and Feasibility Study within 60 days after resolution of any Ecology comments on the Draft Baseline Risk Assessment and Feasibility Study.

Except as provided above, all other provisions of Agreed Order No. DE 92TC-N335 (as amended) remain unchanged and in effect.

This Amendment is effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

QUENDALL TERMINALS, a joint venture

By: \_\_\_\_\_  
ALEX CUGINI  
President, Altino Properties, Inc.

Date: \_\_\_\_\_

AND

By: \_\_\_\_\_  
GEORGIA B. BAXTER  
THIRD AMENDMENT TO  
AGREED ORDER  
NO. DE 92TC-N335

Date: \_\_\_\_\_

Vice President, J.H. Baxter & Co.

DEPARTMENT OF ECOLOGY

By: \_\_\_\_\_  
STEVEN M. ALEXANDER  
Regional Manager, Toxics Cleanup Program  
Northwest Regional Office, Dept. of Ecology

Date: \_\_\_\_\_